REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claim 10 is currently being amended.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-2, 8-12 and 18 were rejected under 35 U.S.C. § 102(3) as being anticipated by U.S. Patent Publication No. 2003/0065805 to Barnes et al.; claims 3-4, 6, 13, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2003/0156542 to Connor; claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of U.S. Patent Publication No. 2002/0058530 to Akama; claims 7, 17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Jim Geier, "Overview of the IEEE 802.11 Standard."; and claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnes in view of Connor and further in view of Geier. These rejections are traversed for at least the reasons given below.

Barnes is directed to providing location based functions and mobile e-commerce. Paragraphs 0110-0115 of Barnes describe that authentication data used to determine whether a user's voice, face, iris, finger print, or other input matches data stored in memory, whereby that information is provided to a remote computer, which decides whether or not the user of the computer is an authorized user. Clearly, this authentication data in Barnes is data of the user, and it is not data of a hot spot dealer. Paragraph 0385 of Barnes describes that a device 101 can be programmed to control devices when the user enters or leaves a particular area, or when the device is out of communication range; however, this says nothing about providing

authentication data of a hot spot dealer and displaying that authentication data. There is no reason to display such authentication data in the system of Barnes, since his system appears to automatically allow control of a device by another device when that other device enters a particular area.

Also, while paragraph 0032 of Barnes describes the establishment of a communication link to determine when a user is within a predetermined distance of a point of sale, a vendor, a residence, etc., this portion of Barnes says nothing about utilizing that communication link to determine if an obtained electric field intensity if that of the user's own subscribed hot spot dealer or that of a roaming contract relation dealer. Paragraph 0045 of Barnes merely describes that AM, FM and television signals are received and presented to a user, so that the user can play a music file or watch a television program.

Therefore, for the reasons given above, independent claim 1 (as well as independent claim 11, which recites similar features) is not anticipated by Barnes.

With respect to independent claim 18, that claim recites displaying, when the agent authentication means has carried out successful authentication, that the service area is of the successfully authenticated hot spot dealer. As discussed above with respect to the rejection of claim 1, Barnes does not disclose or suggest displaying that a service area is that of a successfully authenticated hot spot dealer, and thus that claim is also not anticipated by Barnes.

With respect to the rejection of dependent claim 3, the Office Action asserts that Connor teaches the "congestion" features recited in that claim. Applicant respectfully disagrees. While Connor describes a congestion indicator provided as a field in packet to indicate whether congestion exists or not, whereby the sender receives this packet and decides whether or not to vary a flow rate of packets, this system does not appear to provide such congestion information to a user on a display means, but rather it appears to perform congestion control by way of software, whereby a user at the sender location is not provided with any congestion information on a display at the sender location.

Accordingly, since Barnes does not rectify these deficiencies of Connor (as acknowledged in the Office Action due to the Office Action relying on the combination of Barnes and Connor in its rejection of claim 3), claim 3, as well as claim 13 that recites similar features, are patentable over the cited art of record.

Further, with respect to the rejection of claim 4, it appears that while Connor determines whether or not a network is in a state of congestion or not, there is no indication that a degree of network congestion is notified to a user by way of a display means..

Accordingly, claim 4, as well as claim 14 that recites similar features, are patentable over the cited art of record.

With respect to claims 19 and 20, those claims recite features concerning discerning network congestion, whereby such features (see page 19 of the specification) are not taught or suggested by the cited art of record, when taken as a whole.

The fact that Geier describes a CTS frame and an ACK frame on page 17 of that reference falls well short of the claimed use of a CTS frame to measure frequency of reception that is transmitted by an access point, and it falls well short of the claimed use of an ACK frame to measure reliability of reception. In claims 19 and 20, the use of a CTS frame and an ACK frame are used to determined a network congestion degree, whereby the mere "handshaking" use of these frames as described in Geier does not meet the specific requirements set forth in claims 19 and 20.

Lastly, with respect to claim 10, that claim has been amended to recite <u>authentication means for performing an authentication of the user's own subscribed hot spot dealer or the roaming contract relation dealer, the authentication being performed using data preset by the user, whereby the authentication means outputs an indication on the display of the display means as to whether or not the authentication was successful.</u> See page 22 of the specification, for example, whereby such features as recited in claim 10 are not taught or suggested by the cited art of record.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to

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charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____ *May 9, 2008* _____   By _____ *Phillip J. Articola* _____

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